

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-272 (WMW/TNL)

Plaintiff,

v.

ORDER

Brian Keith Kohls,

Defendant.

This matter comes before the Court on Defendant Brian Keith Kohls' Motion to Extend Deadlines for Filing Motions, ECF No. 24, and Second Motion to Waive Time Under the Speedy Trial Act, ECF No. 25. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act, ECF No. 26.

Defendant requests that the deadline for filing pretrial motions be extended from December 8, 2022, to January 5, 2023. *See* ECF Nos. 24 at 1, 25 at 1, 26 at 1-2. Defendant is currently completing inpatient treatment at Project Turnabout, and the Government would like more information about Defendant's treatment progress and prognosis prior to negotiating a resolution to this case. ECF Nos. 24 at 1, 26 at 1. Defense counsel contends that he has "completed review of the voluminous discovery in this case and believes a negotiated resolution is probable." ECF No. 24 at 1. The Government has no objection to the requested continuance. ECF Nos. 24 at 1, 26 at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Extend Deadlines for Filing Motions, ECF No. 24, is **GRANTED**.

2. Defendant's Second Motion to Waive Time Under the Speedy Trial Act, ECF No. 25, is **GRANTED**.

3. The period of time from **December 7, 2022, through January 5, 2023**, shall be excluded from Speedy Trial Act computations in this case.

4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **January 5, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

5. Counsel shall electronically file a letter on or before **January 5, 2023**, if no motions will be filed and there is no need for a hearing.

6. All responses to motions shall be filed by **January 20, 2023**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses shall be filed by **January 20, 2023**. D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses shall be filed by **January 25, 2023**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **January 31, 2023, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

11. **TRIAL:**

- a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT: the following trial and trial-related dates are:**

All motions in limine and proposed voir dire and jury instructions are due in District Judge Wilhelmina Wright's chambers at least 21 days before trial begins. Counsel are advised that a pretrial notice will issue that will include additional deadlines.

Judge Wright will hold a pretrial conference on **February 8, 2023, at 1:00 p.m.** in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **ST. PAUL**, Minnesota.

This case must commence trial on **February 13, 2023, at 9:00 a.m.** before Judge Wright in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **ST. PAUL**, Minnesota.

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- b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Judge Wright to confirm the new trial date.**

Dated: December 9, 2022

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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